

# **Categorical Exclusion Documentation for Categorical Exclusions Not Established by Statute**

## **A. Background**

**BLM Office:** Mount Lewis Field Office

**Lease/Serial/Case File No.:** Grazing Casefile 2706028

**CX Number:** DOI-BLM-B010-2017-0035-CX

**Name of Preparer:** Samuel Ault

**Proposed Action Title/Type:** Argenta Round III Grazing Enclosures

**Locations of Proposed Action:** Rock Creek Enclosure: NAD 83 UTM 11S 516274 4477500  
The Park Enclosure: NAD 83 UTM 11S 521874 4474925

This Proposed Action will consist of the construction of two riparian grazing enclosures in the Argenta Allotment. The locations of the Proposed Action were as recommended by the National Riparian Service Team (NRST) in areas that are sensitive to and affected by livestock grazing, and are high priority for recovery and high potential for accelerated recovery. These enclosures will provide rest and recovery of riparian plant communities which will help stabilize the riparian areas, increase the diversity of the vegetative plant communities, and provide improved wildlife habitat. The enclosures will be constructed using jack rail fencing. Jack rail is commonly used for enclosures because it can be installed without surface disturbance, restricts livestock movement while enabling ingress and egress of wildlife, has low maintenance requirements and is highly visible to wildlife.

The Park Enclosure would be constructed in the Maysville North Use Area along Corral Canyon Creek on the East side of the Argenta Allotment. It would enclose 17 acres. The project area is in a system dominated by herbaceous vegetation and has experienced heavy grazing historically. As a result of heavy grazing, the plant community present is largely early seral, non-stabilizing herbaceous vegetation. This is a common issue throughout the Argenta Allotment. In 2015, through the Argenta Settlement Agreement, an intensive stockmanship program was implemented by the permittees. This stockmanship program has been effective in many areas, but The Park is still experiencing heavy livestock use from cattle drifting in from other use areas. A small 2-acre enclosure constructed in July 2016 to protect the spring source, has prevented further degradation of the source by livestock and is helping to increase water storage capacity at the spring, but does not protect the nearby lotic streambanks. This enclosure will exclude cattle from grazing along the streambanks, allowing system recovery by limiting mechanical alterations of hoof action on the streambank and limiting herbivory along the streambank, and allowing for better establishment and growth of riparian vegetation and willows (at the crum canyon location) that help stabilize the streambanks and improve the stream channel.

The Rock Creek Exclosure is also located in the Maysville North Use Area but within a different drainage along Hilltop Canyon Road and will exclose 1.8 acres. Although there are willows present on this site, they have been unable to develop due to heavy browsing by livestock. Willow is important because as it reaches maturity, it stabilizes the soil and riparian plant community. Adjacent to this site is a drift fence where cattle congregate. For the 2017 grazing year, the permittee will open a gate to the drift fence earlier, reducing adverse impacts to the willows, but not completely eliminating livestock browsing use. The two proposed lotic exclosures and already existing small lentic exclosure would result in much less than (1 percent) of the pasture being exclosed and protected from grazing use.

**Applicant (if any):** Julian Tomera Ranches, Permit Number 2706028

## **B. Land Use Plan Conformance**

**Land Use Plan Name:** Nevada – Shoshone-Eureka RMP February, 1984

**RMP Amendment:** November 1987

**RMP Rangeland Program Summary:** 1988

**Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment:** 2015

**The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions, objectives, terms, and conditions:**

Shoshone-Eureka RMP Amendment ROD page 9:

- To establish a grazing management program designed to provide key forage plants with adequate rest from grazing during critical growth periods.
- To achieve, through management of livestock and wild horses, utilization levels consistent with those recommended by the Nevada Rangeland Monitoring handbook to allow more plants to complete growth cycles and to increase storage of reserves for future growth.
- In the long term, improve ecological condition of 585,191 acres to good condition; and 25,990 acres to excellent condition.
- In the long term, stop downward trends in ecological condition on 464,873 acres and manage for upward trends on 634,868 acres.
- In the long-term, improve and maintain 133,075 acres of big game habitat in good condition and 6,104 acres in excellent condition.
- In the long-term, stop downward trends on 65,702 acres of big game habitat and manage for upward trends on 144,186 acres.
- In the short-term, improve or maintain in good or better condition, 64 miles of aquatic habitat and 768 acres of riparian habitat associated with the streams and an additional 1,067 acres of other meadows, springs, and aspen groves.
- In the long-term, improve and maintain in good or better condition, a total of 84.8 miles of aquatic habitat and 1,018 acres of riparian habitat associated with the streams and an additional 1,414 acres of other meadows, springs, and aspen groves.

Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment

- MD SSS 3 D. in GHMA Seasonal restrictions will be applied during the period specified below to manage surface-disturbing activities and uses on public lands to prevent disturbances to GRSG during seasonal life cycle periods.
  1. In breeding habitat within 4 miles of active and pending GRSG leks from March 1 through June 30
    - a. Lek- March 1 to May15
    - b. Lek hourly restrictions- 6p.m. to 9 a.m.
    - c. Nesting- April 1 to June 30
  2. Brood-rearing habitat from May 15 to September 15

- a. Early- May 15 to June 15
  - b. Late- June 15 to September 15
3. Winter Habitat from November 1 to February 28

The seasonal dated may be modified due to documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long/heavy winter), in coordination with NDOW and California Department of Fish and Wildlife (CDFW), in order to better protect GRSG and its habitat.

## **C: Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Section J, Item 9: Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

A categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that could potentially significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 11.9 apply.

*Note: A separate decision document must be prepared for the action covered by this categorical exclusion.*

	<b>Screening for Extraordinary Circumstances: Will this project...</b>	<b>Yes</b>	<b>No</b>
<b>1.</b>	<b>Have significant adverse effects on public health or safety?</b>  Rationale: The Proposed Action would not have any adverse effects on public health or safety. The construction and presence of jackrail fencing does not produce an environment that would be unsafe to public health and safety because jackrail is very visible. Additionally, the Proposed Action would be constructed outside any major lanes of travel.		<b>X</b>
<b>2.</b>	<b>Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?</b>  Rationale: The Proposed Action would not have any adverse effects on any of the categories of resources listed above as there are no unique natural resources, unique geographic characteristics or cultural resources present within the project area. This project will have beneficial effects on riparian areas, which will improve values for natural resources and recreation.		<b>X</b>
<b>3.</b>	<b>Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?</b>  Rationale: The Proposed Action will not have controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. The Proposed Action is commonly implemented to improve the condition of sensitive riparian areas across the West, and the environmental effects of such fencing are well known. The use of jackrail is common in situations where the purpose of the project is to exclude livestock from an area, while allowing continued access for wildlife. Jackrail is highly visible to wildlife, which reduces potential mortality and injury from collisions.		<b>X</b>
<b>4.</b>	<b>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</b>  Rationale: The Proposed Action will not have highly uncertain or potentially significant environmental effects or involve unique or unknown environmental risks. Actions such as the Proposed Action are routinely implemented across BLM lands to protect riparian and cultural resources from various uses such as recreation and livestock grazing. Jackrail can be installed without surface disturbance and is a lower maintenance fence type, which reduces the cost of repair. It is also more visible than other types of fencing which reduces potential injury or mortality from wildlife collisions.		<b>X</b>
<b>5.</b>	<b>Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</b>		<b>X</b>

	Rationale: The Proposed Action will not establish a precedent for future action nor does it represent a decision in principle about future actions with potentially significant environmental effects. Actions such as the Proposed Action are routinely implemented across BLM lands to protect riparian and cultural resources from various uses such as recreation and livestock grazing. Use of a categorical exclusion to authorize projects such as the Proposed Action is common and routine within the BLM and authorization of such range improvements does not predetermine BLM decisions on other range improvement proposals, which would be addressed separately on their own merits, nor does it predetermine the outcome of the grazing permit renewal process that is currently underway.		
6.	<b>Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</b>		
	Rationale: A categorical exclusion was used to authorize several small lentic exclosures under the Argenta Round I exclosure project. One of the exclosures authorized is located adjacent to the proposed exclosure in The Park. Please refer to the attached map. While the two projects are adjacent to each other, the total acreage for the Proposed Action and the Argenta Round I Park exclosure would be approximately 20 acres, which represents less than one percent (i.e., 0.1%) of the Maysville North Use Area and the watershed in which it lies. Across the Argenta Allotment there are 141,689 acres of BLM administered land and all the exclosures on the allotment built in the last few years represent less than one percent (i.e., 0.1%) of the Argenta Allotment.		X
7.	<b>Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office?</b>		
	Rationale: An Archeological inventory has been completed for the project site. There are no listed properties or properties eligible for listing on the National Register of Historic Places in the Project Area.		X
8.	<b>Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</b>		
	Rationale: There are no species listed, or proposed to be listed on the List of Endangered or Threatened Species known in the project area. There is no habitat in the project area that has been designated as Critical Habitat for these species.		X JW
9.	<b>Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</b>		
	Rationale: The Proposed Action will not violate any Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		X
10.	<b>Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</b>		
	Rationale: This is a remote undeveloped area with no proximate populations. The Proposed Action would not have a disproportionately high and adverse effect on any populations including low income or minority populations in the area.		X

11.	<b>Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites?</b>		<b>X</b>
	Rationale: Through consultation and coordination with associated Native American tribes, consultation with the Nevada State Historic Preservation Officer (SHPO), and after conducting a cultural resources inventory, it has been concluded that no known ceremonial or sacred sites are known to exist in the project area.		
12.	<b>Contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?</b>		<b>X</b>
	Rationale: The Proposed Action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area and will not promote the introduction, growth, or expansion of the range of such species. Construction does not include moving any seed or soil materials that may contain noxious or non-native species, as the jack rail fencing is placed directly on the surface without surface disturbance. The Proposed Action will not include tilling or removal of vegetation in the project area that may promote the introduction, growth, or expansion of noxious or non-native species.		

*All of the above questions must be answered negatively before the Categorical Exclusion may be approved. This checklist is taken from 516 DM 2, Appendix 2.*

**Reviewed by**

**Initials**

**Date**

Adam Cochran – Rangeland Management Specialist

AC

5/30/17

David Davis – Wildlife Biologist

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5/30/2017

Justin Ferris – Hydrologist

John Ferris  
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Kevin Hurrell – NEPA Coordinator

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Steven Highland – Cultural Resource Specialist

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5/30/17


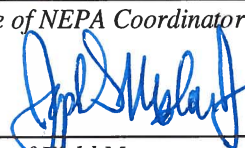
Juan Martinez – Native American Consultant

JM

5-30-17

## D: Signatures

Based on the review documented above, I conclude that the Proposed Action conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirement of NEPA.

<u>Adam B. Cochran</u> Name of Project Lead	 Signature of Project Lead	<u>5/30/17</u> Date
<u>Kevin Hurrell</u> Name of NEPA Coordinator	 Signature of NEPA Coordinator	<u>5/30/17</u> Date
<u>Joseph S. Moskiewicz, Jr.</u> <del>Jon D. Sherve</del> Name of Field Manager	 Signature of Field Manager	<u>6/29/17</u> Date

### Contact Person

For additional information concerning this categorical exclusion contact Samuel Ault, Rangeland Management Specialist, Mount Lewis Field Office.

*Note: The signed conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the decision authorization based on this categorical exclusion is subject to protest and appeal under 43 CFT Part 4 and the program-specific regulations.*